

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MICHIGAN LABORERS' HEALTH CARE FUND
et al.,

Plaintiffs,

Case No. 05-CV-71504-DT

v.

TOM'S LANDSCAPING, INC., et al.,

Defendants.

ORDER OF DISMISSAL

On October 28, 2005, the court conducted an on-the-record telephone conference in the above-captioned matter. During the conference, the parties confirmed with the court that they had reached a settlement, the terms of which will be memorialized in writing within the next few weeks. For the reasons stated fully on the record,

IT IS ORDERED that this matter is DISMISSED without costs or fees to either party. The dismissal is without prejudice to the right of either party to move the court to reopen the case within sixty days if the settlement is not memorialized. This order may be substituted with a stipulated order of dismissal within sixty days. If the case is not reopened within sixty days, the dismissal will be with prejudice.

S/Robert H. Cleland

ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: October 31, 2005

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 31, 2005, by electronic and/or ordinary mail.

S/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522